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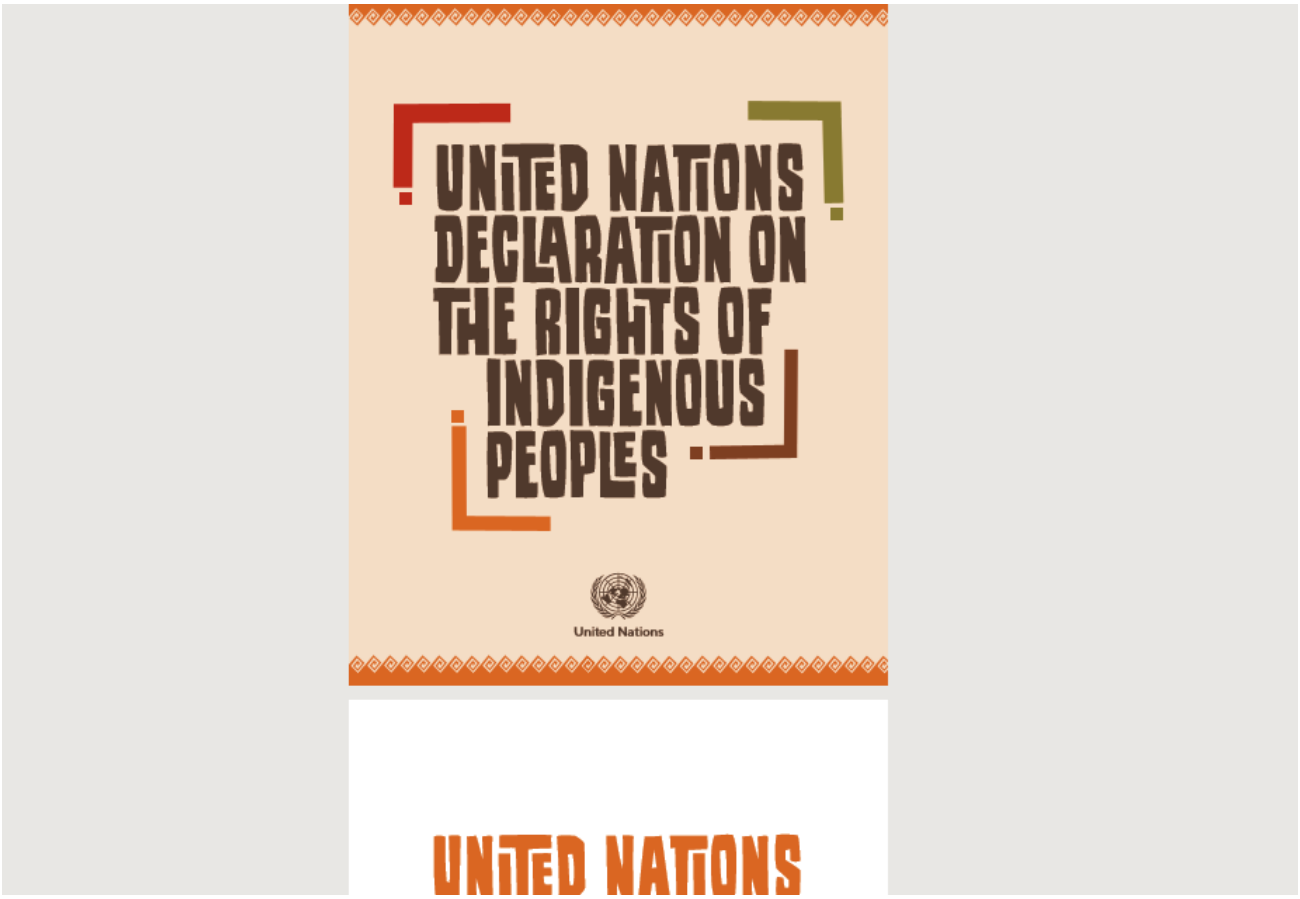
**FEBRUARY 18, 2019 BY RONNIE**

# UN Declaration On Rights Of Indigenous Peoples (BC and Feds)



PARLIAMENT OF CANADA | VISIT PARLIAMENT | FRANÇAIS

SENATE | HOUSE OF COMMONS

BILL C-262

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First Session, Forty-second Parliament,
64-65-66-67 Elizabeth II, 2015-2016-2017-2018

HOUSE OF COMMONS OF CANADA

BILL C-262

An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples

Bill C-262
(Third Reading)
May 30, 2018

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**B.C. commits to being 1st province in Canada to put UNDRIP into legislation**

'It will be more than symbolic; we need to address reconciliation in British Columbia'

Chantelle Bellrichard · CBC News · Posted: Feb 13, 2019 6:26 PM ET | Last Updated: February 13

(BC Premier John Horgan)

## 1. Important Links

(1) https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

(2) http://www.parl.ca/LegisInfo/BillDetails.aspx?Language=E&billId=8160636
(3) http://www.parl.ca/LegisInfo/BillDetails.aspx?Language=E&billId=8936657
(4) http://www.parl.ca/LegisInfo/BillDetails.aspx?Language=E&billId=9630600
(5) https://canucklaw.ca/canadas-bill-c-69-impact-energy-navigation-acts/
(6) https://www.cbc.ca/news/indigenous/b-c-commits-to-being-1st-province-in-canada-to-put-undrip-into-legislation-1.5018447

The Government of British Columbia has announced that it will enact legislation to enforce UNDRIP, the United Nations Declaration of the Rights of Indigenous Peoples. Currently, there is a Federal version (Bill C-262) working its way through the Canadian Senate.

For reference, links to both C-48 (oil transportation), and C-69 (amend environmental acts) are both included. Canada is a nation that relies on resource development. Both of these bills will make these industries harder to function.

The UNDRIP, however, although "non-binding" may now be implemented at the Federal level and/or in British Columbia. This will give veto power to any development that may occur across of near "traditional lands".

## 2. From The CBC Article

> ""We need to address reconciliation in British Columbia, not just for social justice… but for economic equality for all citizens, Indigenous and non-Indigenous."

> Horgan's NDP campaigned on a promise to implement UNDRIP, which includes 46 articles meant to recognize the basic human rights of Indigenous Peoples' along with their rights to self-determination.

> Article 32 is among those in the declaration often cited by Indigenous leadership. It directs states to obtain free, prior and informed consent from Indigenous groups before approving projects that would affect their lands or territories.

> "For too long uncertainty on the land base has led to investment decisions being foregone, and I believe that that hurts Indigenous people and it hurts other British

> Columbians," Horgan said on Tuesday."

Okay, so what is this Article 32? It is right here:

> Article 32
> 1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
> 2. **States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project** affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
> 3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, **social, cultural or spiritual impact.**

A/ Take steps to mitigate social, cultural or spiritual impact? Industry now has be developed "around" religion or spirituality?
B/ Is this a right to veto any such projects? Or is this a right to demand "tolls" or "commissions"?
C? Is this an acknowledgement that Canada doesn't have control over its own lands?

## 3. What Else Is In UNDRIP

> Article 4 Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, **as well as ways and means for financing their autonomous functions.**

Interesting. Not necessary to actually be part of a nation when it is inconvenient.

> Article 5 Indigenous peoples have the **right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully,** if they so choose, in the political, economic, social and cultural life of the State.

So it is not necessary to choose. A person “can” be part of both the state, and a separate collective, depending on what is convenient at that time.

> Article 8
> 1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
> 2. States shall provide effective mechanisms for prevention of, and redress for:
> (a) **Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;**
> (b) **Any action which has the aim or effect of dispossessing them of their lands, territories or resources;**
> (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
> (d) **Any form of forced assimilation or integration;**
> (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

The UN believes that Indigenous People’s should never be forced to assimilate. UN “also” views assimilation of migrants to not be important. This will lead to fracturing and balkanizing nations.

The next several articles go on about the host country not being forced to assimilate of change. Perhaps we can use it against future waves of migration.

> Article 27 States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, **giving due recognition to indigenous peoples’ laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources,** including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

If this wording is to be taken literally, it looks like parallel legal systems can be used. This makes any uniformity or justice unlikely.

> Article 31
> 1. Indigenous peoples have the right to **maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.**
> 2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Would be nice if the rest of Canada was entitled to keep our identity, rather than this multicultural, post-nation state that is forced upon us.

> Article 45 **Nothing in this Declaration may be construed as diminishing or extinguishing the rights** indigenous peoples have now or may acquire in the future.

Okay, this list is not exhaustive, and new “rights” may be added later, or other previous rights will also be enacted.

Admittedly, there are some good things in this declaration. However, getting any major projects going will be difficult if several groups are able to veto at any time for any reason.

There is evident a double standard when it comes to protecting identity.

So, what does Bill C-262 say?

In short, it has a short introduction to adopt UNDRIP, then quotes it all

> *United Nations Declaration on the Rights of Indigenous Peoples*
> .
> *3 The United Nations Declaration on the Rights of Indigenous Peoples that was adopted by the General Assembly of the United Nations as General Assembly Resolution 61/295 on September 13, 2007, and that is set out in the schedule, is hereby affirmed as a universal international human rights instrument with application in Canadian law.*

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***Consistency***

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*4 The Government of Canada, in consultation and cooperation with indigenous peoples in Canada, must take all measures necessary to ensure that the laws of Canada are consistent with the United Nations Declaration on the Rights of Indigenous Peoples.*

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*National Action Plan*

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*5 The Government of Canada must, in consultation and cooperation with indigenous peoples, develop and implement a national action plan to achieve the objectives of the United Nations Declaration on the Rights of Indigenous Peoples.*

Like many United Nations initiatives, this looks fairly innocuous and harmless. However, once it is implemented, the actual consequences are far from clear.

It could be a sign of goodwill, and a way to ensure autonomy.

Or it could help destroy the Canadian economy. Time will tell.

**CANADA, EMPLOYMENT, ENVIRONMENTAL, HERITAGE, HUMAN RIGHTS, IDENTITY/RELIGION, UN/WHO, WORLD**